

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held  
at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the  
1<sup>st</sup> day of August, two thousand and three.

Before: Hon. Ralph K. Winter,  
Hon. José A. Cabranes,  
Circuit Judges  
Hon. Carol B. Amon\*,  
District Judge

Docket No. 02-7519, 02-7569

CLEAN AIR MARKETS GROUP,  
Plaintiff - Appellee,

v.

GEORGE E. PATAKI, in his official capacity as Governor of the State of New York, MAUREEN O. HELMER, in her  
capacity as Chairman of the New York State Public Service Commission, THOMAS J. DUNLEAVY, in his capacity  
as a Commissioner of the New York State Public Service Commission, JAMES D. BENNETT, in his capacity as a  
Commissioner of the New York State Public Service Commission, LEONARD A. WEISS, in his capacity as a  
Commissioner of the New York State Public Service Commission and NEAL N. GALVIN, in his capacity as a  
Commissioner of the New York State Public Service Commission,

Defendants - Appellants.

Appeal from the United States District Court for the Northern District of New York.

This cause came on to be heard on the transcript of record from the United States District  
Court for the Northern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the  
judgment of said district court be and it hereby is AFFIRMED on the basis of preemption by the  
Clean Air Act in accordance with the opinion of this Court.

A TRUE COPY  
Roseann B. MacKechnie, Clerk  
by [Signature]  
DEPUTY CLERK

FOR THE COURT:  
ROSEANN B. MACKECHNIE, Clerk  
by [Signature]  
Laura Bass Penn  
Motions Staff Attorney

\* The Honorable Carol B. Amon, of the United States District Court for the Eastern District of New  
York, sitting by designation.

ISSUED AS MANDATE:

8/26/03

cc to Chambers, etc.  
NDNY/ALNY  
00-cv-1738  
Hurd  
Treece  
U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED  
SEP 10 2003  
LAWRENCE K. BAERMAN, CLERK  
FILED ALBANY  
AUG 1 2003  
SECOND CIRCUIT  
S2  
me